

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-20306-GAYLES/TORRES(s)

UNITED STATES OF AMERICA

vs.

LUIS FERNANDO VUTEFF,

Defendant.

GOVERNMENT’S OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

The United States of America, through its undersigned attorneys, files these Objections to the draft Presentence Investigation Report (“PSI”) [ECF No. 167] for Defendant Luis Fernando Vuteff, whose sentencing is scheduled for December 17, 2024, at 10 a.m. [ECF No. 168]. As set forth below, the United States objects to the application of a two-level decrease under § 3B1.2(b) of the U.S. Sentencing Guidelines (“Guidelines” or “U.S.S.G.”) because the Defendant was not a minor participant in the criminal activity. Accordingly, the United States submits that the correct Guidelines calculation of the Defendant’s total offense level is 24, making his advisory imprisonment range between 51 to 63 months. In support, the United States offers the following objections and/or clarifications to the PSI:

Page 1 – The undersigned Assistant United States Attorney’s last name has a typographical error. The correct spelling of her last name is Sombunthamm. Also, the Defendant’s sentence date was recently moved from December 19, 2024, to December 17, 2024. *See Order*, ECF No. 168.

Page 2 – Since Defendant’s guilty plea, another co-conspirator, Raul Gorrin Belisario, was charged in the Southern District of Florida in a related case, Case No. 24-CR-20468-RKA.

Page 5, Paragraph 8 – In compliance with the Defendant’s forfeiture provisions in his Plea Agreement, the United States filed an unopposed forfeiture motion, which was granted on November 21, 2024. *See* Preliminary Order of Forfeiture, ECF No. 170.

Pages 9 to 10 – As noted above, another co-conspirator was recently charged in a related case. In Case No. 24-CR-20468-RKA, Raul Gorrin Belisario was charged in a single-count Indictment with conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). Gorrin was previously charged for other criminal conduct in Case No. 18-CR-80160-WPD. He is a fugitive.

Page 10, Paragraph 25 & Page 34, Paragraph 139 – Carmelo Antonio Urdaneta Aqui was released from custody on November 4, 2024.

Page 11, Paragraph 32 – Conspirators 2 to 9 identified in the Criminal Complaint filed in Case No. 18-CR-20685-KMW are no longer all uncharged members of the conspiracy. Conspirators 5 and 6 are co-defendant Ralph Steinmann and the Defendant, who are charged in the above-captioned case. Conspirator 7, who is Raul Gorrin Belisario, was indicted on October 23, 2024, in Case No. 24-CR-20468-RKA.

Page 12, Paragraph 37 – The CS is no longer cooperating with the investigation.

Page 13, Paragraph 40; Pages 17 to 21, Paragraphs 59, 60, 62, 63, 64, 66, 69, 71, 78; Pages 29 to 32, Paragraphs 116, 118, 119, 120, 122, 123, 125, 126, 127, 128, 129; & Page 37, Paragraph 151 – As noted above, Conspirator 7 is Raul Gorrin Belisario, who has been charged.

Pages 20 to 21, Paragraph 78 & Pages 31 to 32, Paragraph 129 – To clarify, these paragraphs refer to the same or similar emails that the Defendant sent his co-conspirators to track the distribution of the corrupt proceeds. Paragraph 129iii)’s reference to “Bole” should be spelled “Boli”.

Page 37, Paragraph 150; Page 40, Paragraph 159; Page 41, Paragraph 165 – The United States objects to the application of U.S.S.G. § 3B1.2(b), which decreases the Defendant’s total offense level by two levels. As noted elsewhere in the PSI, *see* ¶ 5, the parties agreed in the Plea Agreement [ECF No. 147, at ¶ 13(iv)] that “the defendant will argue that he should receive a two-level decrease for mitigating role pursuant to Section 3B1.2(b).” Although the Defendant preserved his right to argue for this reduction, the United States did not agree that this two-level decrease applied to his Guidelines calculation.

The Defendant was not a minor participant in his crime of conviction, the conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). He is responsible for laundering at least \$11,451,022.06, which is roughly the same amount that both Abraham Edgardo Ortega and Gustavo Adolfo Hernandez Frieri were held responsible for laundering. *See* PSI ¶¶ 145-146. Further, as shown by the emails referred to above (sent by the Defendant to track the distribution of the corrupt proceeds), the Defendant was aware and participated in the laundering of the full amount of proceeds derived from the currency exchange loan scheme. *See* PSI ¶¶ 78, 129. Similar to Ortega and Hernandez Frieri, the United States recommends that no aggravating or mitigating role be applied to the Defendant’s Guidelines calculation.

Page 37, Paragraph 152 – As noted elsewhere in the PSI, *see* ¶ 26, the Government dismissed the Indictment against Marcelo Frederic Gutierrez Acosta y Lara in November 2023, and he is no longer a fugitive.

Page 53, Paragraph 223 – Because the United States disagrees with the application of the two-level decrease under U.S.S.G. § 3B1.2(b), the Defendant’s total offense level should be 24 and not 22. Based on a total offense level of 24 and a criminal history category of I, the Defendant’s Guidelines imprisonment range is 51 to 63 months.

Page 54, Paragraph 230 – Based on a total offense level of 24, the Defendant's Guidelines fine range is \$20,000 to \$200,000.

Respectfully submitted,

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